

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Craig Fieschko, Reg. No. 39,668, on January 29, 2010.

2. The application has been amended as follows:

In claim 51, line 24, after "cross-sectional areas of," insert –non-sharpened portions of--. In line 26, after "cross-sectional areas of," insert –non-sharpened portions of--.

3. The following is an examiner's statement of reasons for allowance: With respect to base claim 51, none of the prior art of record, alone or in combination, discloses a fixator including, inter alia, a plurality of first parts, at least one second part, and a resilient member connecting the first and second parts, where the first and second parts each terminate in tips opposite the resilient member with at least one of the tips being sharpened, where the resilient member biases the first and second parts towards each other, where the first and second parts are movable into an open configuration in which they are disposed along a common axis with the resilient member, and where the resilient member has a cross-sectional area substantially equal to the sums of the cross-sectional areas of non-sharpened portions of the first or second parts. With

respect to claim 62, none of the prior art of record, alone or in combination, discloses a fixator included in a kit, where the fixator includes, inter alia, a plurality of first parts, at least one second part, and a resilient member connecting the first and second parts; and where the kit includes, inter alia, a device for supporting a catheter having a locating member, a plurality of support members, and resilient member, and/or a device for dilating an artery having a locating member, a plurality of dilating members, and a resilient member. With respect to base claim 64, none of the prior art of record, alone or in combination, discloses a fixator including, inter alia, an elongated member extending between at least one first part and at least one second part, where the elongated member is capable of an open configuration where the first parts and the second parts are respectively adjacently situated with their lengths in abutment, and where at least one first part and at least one second part terminate in tips, the tip of at least one of the first and second parts is sharpened. With respect to base claim 68, the prior art of record also does not disclose a fixator including inter alia, elongated members extending between and connected between first and second parts, where each elongated member moves between open and retaining configurations, where in the open configuration, the fixator has a substantially uniform cross-sectional area between the first and second parts and along the connection therebetween.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-TH:6:30-4:00; alt. Fri.: 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tan-Uyen (Jackie) Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julian W. Woo/  
Primary Examiner, Art Unit 3773